

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2007*

**VINCENT RIGGS,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D07-557

[May 30, 2007]

PER CURIAM.

Vincent Riggs appeals an order denying his rule 3.850 motion as untimely. The record does not support the trial court's conclusion that the motion was not timely filed under Florida Rule of Criminal Procedure 3.850(b). Accordingly, we reverse and remand for the trial court to consider the 3.850 motion on the merits.

STONE, WARNER, and FARMER, JJ., concur.

\* \* \*

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Geoffrey D. Cohen, Judge; L.T. Case No. 03-1692 CF10A.

Vincent Riggs, Okeechobee, pro se.

Bill McCollum, Attorney General, Tallahassee, and Diane F. Medley, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing***